

# QUASI-JUDICIAL REZONE & LEGISLATIVE AMENDMENT *Information*



3609 Market Place W, Suite 200  
University Place, WA 98466-4488  
PH: 253.566.5656

*This form provides information and an explanation of the procedures for amending the City's zoning code, Zoning Map or Development Regulations. Amendments to regulation text and area-wide zoning changes are made legislatively following a public hearing before the Planning Commission whereas site-specific rezones are quasi-judicial in nature and require a public hearing before the City's Hearings Examiner. In both cases the final decision is made by the City Council. If you have any questions, contact the Planning and Development Services Department at 253.566.5656.*

## **Purpose**

The City of University Place Zoning Code includes the procedure and requirements for amending the City's Development Regulations and other official controls. This handout is intended to provide information on those procedures and the required criteria to amend the City's Development Regulations and Zoning Map.

## **Who May Initiate Amendments**

Any interested person, including applicants, citizens, City Council, Planning Commission, Hearings Examiners, City staff, or staff of other agencies may request amendments to the Zoning Codes, Development Regulations or Zoning Map.

## **Types of Amendments**

There are two principal types of amendments to the City's Development Regulations, legislative amendments and quasi-judicial amendments:

***Legislative Amendments:*** Amendments to Development Regulation text and tables are legislative amendments. In addition, changes to the Zoning Map that are city-wide, area-wide, or have area-wide significance are legislative amendments. Legislative amendments are first heard by the Planning Commission which forwards a recommendation to the City Council. Legislative amendments are broad and apply city-wide or area-wide.

***Quasi-Judicial Amendments:*** Site specific map amendments (or "rezones") are quasi-judicial amendments. Quasi-judicial map rezones shall be consistent with the land use designations in the City's Comprehensive Plan. Quasi-judicial rezones are first heard by the City's Hearings Examiner who forwards a recommendation to the City Council. A quasi-judicial rezone involves the approval of a specific plan for a specific use.

***Rezones versus Reclassification:*** A rezone shall mean the change of a zone designation on the City's Zoning Map. A reclassification is a change of a Comprehensive Plan land use designation and is subject to the provisions contained in UPMC Title 16 (see Comprehensive Plan Amendment packet for more information) When a proposal requires both a reclassification and a rezone, the following shall apply:

1. A reclassification and a legislative rezone may be conducted concurrently.
2. A reclassification and a quasi-judicial rezone shall be conducted in phases, with the reclassification occurring first in time.

### **Legislative Amendment - Procedure**

**Application.** An applicant shall complete the necessary application form as provided by the Development Services Department. An environmental checklist shall also be required pursuant to Chapter 17.50 UPMC unless the proposal is categorically exempt.

After an application is received, it is reviewed for completeness. If the application is incomplete, a notice of incomplete application specifying why the application was deemed incomplete will be sent to the applicant. The applicant has 14 days in order to complete the application. Once complete, the City will send the applicant a notice of complete application.

**Request Docket.** Requested legislative amendments shall be docketed and considered by the Planning Commission and City Council at least on a bi-annual basis, consistent with the provisions of Chapter 36.70A RCW.

**Staff Report.** Following application the City shall prepare a written report on each legislative amendment pending before the Planning Commission. The report shall be provided to the Planning Commission and any parties of record before the public hearing. Each report shall contain:

1. Any proposed factual findings of the City Department proposing the amendment;
2. Any comments from City Departments, agencies districts and other interested parties;
3. The environmental assessment or copy of any environmental determination or final environmental impact statement; and
4. The Department's recommendations on the amendment.

**Public Hearing Required by Planning Commission.** The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment. Alternatively, the Planning Commission may hold a joint public hearing with the City Council. Notice is published in the Tacoma News Tribune.

**Recommendation by Planning Commission.** Each determination recommending a legislative amendment shall be supported by written findings and conclusions based on the criteria provided in the *Legislative Amendment Application*.

**Adoption by the City Council.** Following receipt of the Planning Commission's recommendation, the City Council may hold additional public hearings at its discretion. Should the City Council agree to an amendment to the Developmental Regulations and/or Zoning Map, such amendments shall be adopted by ordinance.

### **Quasi-Judicial Rezone - Procedure**

**Application.** An applicant shall complete the necessary application form as provided by the Development Services Department. An environmental checklist will also be required pursuant to Chapter 17.50 UPMC unless the proposal is categorically exempt. A quasi-judicial rezone application shall require a specific development proposal for the subject property with sufficient

detail to enable the City to evaluate the applicant's proposal for conformance with the applicable criteria and to adequately condition the rezone request to protect the public interest if appropriate.

After an application is received by the Development Services Department, it is reviewed for completeness. If the application is incomplete, a notice of incomplete application specifying why the application was deemed incomplete will be sent to the applicant. The applicant has 14 days in order to complete the application. Once complete, the City will send the applicant a notice of complete application.

**Public Notice.** Notice of the application will be sent to property owners within 300 feet of the subject property and the applicant will be required to post notice on the property. Notice of public hearings will be published in the Tacoma News Tribune.

**Public Hearing.** The Hearings Examiner shall hold an open record public hearing on each application. Any person may participate in the hearing by submitting written comments or making oral comments at the hearing.

**Decision Criteria.** The Hearings Examiner shall recommend approval, approval with conditions or modifications if the applicant has demonstrated that the proposal complies with the decision criteria. The applicant carries the burden of proof and must demonstrate that the criteria are met by a preponderance of the evidence. If the criteria are not met, the Hearings Examiner shall recommend denial of the application. All criteria must be met in order for an application to be approved. The applicant must demonstrate all criteria provided in the *Quasi-Judicial Rezone Application*.

**Recommendation by the Hearings Examiner.** After considering all of the information submitted on the matter, the Hearings Examiner shall issue a written recommendation to the City Council setting forth the Examiner's findings, conclusions and recommendation. The recommendation shall include the following:

1. A statement of facts presented to the Hearings Examiner that supports his or her recommendation, including facts supporting any conditions and restrictions that are recommended.
2. A statement of the Hearings Examiner's conclusions based on those facts.
3. A statement of the criteria used by the Hearings Examiner in making the recommendation.
4. Any conditions, restrictions, and modifications that the Examiner determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the requested rezone.

**Distribution of Recommendation.** The City shall distribute copies of the recommendation of the Hearings Examiner to the applicant, each person who submitted written or oral testimony at the public hearing, and the City Council. The Director shall include a draft resolution or ordinance that embodies the Hearings Examiner's recommendation with the copy of the recommendation sent to each City Council member.

**City Council Decision.** The City Council shall review the Hearings Examiner's recommendation for compliance with the review criteria. After consideration, the City Council may remand the application to the Hearings Examiner to reopen the hearing for additional evidence and supplementary findings and conclusions, or further actions as directed. If not remanded or after

remand, the City Council shall, by ordinance approved by a majority of the total membership, take one of the following actions:

- a. Approve the application;
- b. Approve the application with modifications or conditions; or
- c. Deny the application.

**Conditions and Restrictions.** The City Council shall include in an ordinance granting the rezone any conditions and restrictions it determines are necessary to meet the decision criteria or to eliminate or minimize any undesirable effects of granting a rezone. Any conditions, modifications and restrictions that are imposed shall become part of the decision. The decision of the City Council on an application is the final decision of the City.

**Expiration.** The applicant must begin construction, or submit to the City a complete building permit application for the development activity, use of land, or other actions approved under this chapter, within two years after the final City decision on the matter issued. Failure to do so shall render the City approval of the applicant's proposal void, and the zoning of the subject property shall revert to its original zoning; provided, however, the City Council, upon a showing of good cause, may extend the time limits contained herein.

**Time Extension.** At least 30 days prior to the lapse of approval for a project-related rezone, the applicant may submit an application in the form of a letter with supporting documentation to the Development Services Department requesting a one-time extension.

**Judicial Review.** The action of the City in granting or denying an application under this chapter may be reviewed pursuant to UPMC Title 22.

# QUASI-JUDICIAL REZONE *Checklist*



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*This is a checklist of materials required for a Quasi-Judicial Rezone. This checklist is provided to assist you in submitting a complete application. If you have any questions, contact the Planning and Development Services Department at 253.566.5656.*

**RETURN THIS CHECKLIST WITH YOUR APPLICATION**

Fees must be paid at the time of submittal. The table below indicates the standard number of sets required at the time of submittal. The number of plans is subject to change based on the scope of the proposal.

# OF SETS REQUIRED	DESCRIPTION
5	Quasi-Judicial Rezone Application
5	Site Plan
2	Reduced Site Plan
5	Vicinity Map including the nearest cross streets and a North arrow
5	SEPA Checklist
2	Tree Survey (required if removing more than 5 trees): Location of all trees within the subdivision that are 6 caliper inches and above, measured 2 feet from the ground. Indicate all trees that are to be retained and those to be removed.
2	Property Listings, Map and Mailing Labels for all lots within 300 feet (but not less than two parcels deep) of subject property. (Obtained from Pierce County Assessor, title company, or other approved method)

# QUASI-JUDICIAL REZONE *Application*



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*Please type or print clearly. Incomplete information may delay the project approval.*

<b>APPLICANT:</b>	Phone:	Fax:
Address (Street, City, State, Zip):	E-Mail Address:	
<b>PROPERTY OWNER:</b>	Phone:	Fax:
Address (Street, City, State, Zip):	E-Mail Address:	
<b>AGENT:</b>	Phone:	Fax:
Address (Street, City, State, Zip):	E-Mail Address:	

<b>PROJECT NAME &amp; TYPE:</b>				
Project Address:		Parcel Number(s):		
Zoning:	Current Use:			
Area/Acreage:	Township:	Range:	Section:	Quarter Section:
Has this project been reviewed at a Technical Review Committee (TRC) Meeting? <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>				

*For an amendment to Development Regulations to be granted, certain criteria must be met. The City Council shall review amendments in accordance with the provisions of Title 19 and may approve, approve with modifications, or deny the amendment. Please answer the following questions with as much detail as possible so the Department can understand the nature of your request. Attach any additional information that supports your proposal.*

<b>PROVIDE A <u>DETAILED</u> DESCRIPTION OF THE PROPOSAL. (MAY BE ATTACHED)</b>

Describe why the proposed rezone is in the best interest of the residents of the City:

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Describe how the proposed rezone is appropriate in one of the following cases:

- a). Conditions in the immediate vicinity of the subject property have so significantly changed since the property was given its present zoning that under those changed conditions a rezone is within the public interest, or
- b). The rezone will correct a zone classification of zone boundary that was inappropriate when established.

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Discuss how the proposed rezone is consistent with the City's comprehensive plan. Cite specific goals and policies:

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Discuss how the proposed amendment is consistent with all applicable provisions of University Place Municipal Code Title 19 including any specific design standards:

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How does the rezone impact public health, safety and general welfare?

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Discuss how the site plan is designed to minimize impacts upon public facilities, services and utilities:

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Discuss how the site plan is designed to minimize impacts upon other properties:

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How will the proposal be designed so that it is not incompatible with the surrounding area?

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If applicable, is there a means of developing, preserving and maintaining open space?

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What conditions will be put in place to lessen impacts of the proposed use that can be monitored and enforced?

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I hereby certify under penalty of perjury under the laws of the State of Washington that I am the applicant listed above, and that all information and evidence herewith submitted are in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application is not refundable, and is only for the purposes of defraying the normal administrative expenses of processing the application, and that the payment of said fees does not result in automatic issuance of the permit requested in this application.

Print Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Agent/Other (specify):
Signature:	Date: